

SO ORDERED.

SIGNED this 13th day of July, 2010.




LEIF M. CLARK
UNITED STATES BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

In re: MILTON EDWARD BURNS and JUDITH ANNE BURNS	§	Case No. 10-51867
	§	(Chapter 7)
	§	
US BANK HOME MORTGAGE as mortgage servicer, its successors and/or assigns, Movant	§	
	§	
vs.	§	
	§	
MILTON EDWARD BURNS and JUDITH ANNE BURNS, Debtor and JOHN PATRICK LOWE, Trustee, Respondents	§	JUDGE LEIF M. CLARK
	§	

**ORDER GRANTING MOTION FOR RELIEF FROM THE AUTOMATIC STAY
REGARDING 15 CALLE CIELITO, TUBAC, AZ 85646 PURSUANT TO 11 U.S.C. § 362
FILED BY US BANK HOME MORTGAGE AS MORTGAGE SERVICER**

On June 16, 2010, a Motion for Relief from Automatic Stay regarding 15 CALLE CIELITO, TUBAC, AZ 85646 pursuant to 11 U.S.C. § 362 (the Motion) was filed by US BANK HOME MORTGAGE as Mortgagee Servicer (hereinafter Movant) in the above referenced case. The Court finds that the Motion was properly served pursuant to the Federal and Local Rules of Bankruptcy Procedure and that it contained the appropriate fourteen (14) - day negative notice language, pursuant to LBR 4001, which directed any party opposed to the granting of the relief

sought by the Motion to file a written response within fourteen days or the Motion would be deemed by the Court to be unopposed. The Court finds that no objection or other written response to the Motion has been timely filed by any party. Due to the failure of any party to file a timely written response, the allegations contained in the Motion stand unopposed and, therefore, the Court finds that good cause exists for the entry of the following order.

IT IS THEREFORE ORDERED that the Motion for Relief from the Automatic Stay regarding 15 CALLE CIELITO, TUBAC, AZ 85646 pursuant to 11 U.S.C. filed by US BANK HOME MORTGAGE as Mortgage Servicer is hereby GRANTED so as to authorize US BANK HOME MORTGAGE as Mortgage Servicer, its successors and assigns, to exercise any and all remedies available at law and under the applicable loan documents to repossess and/or foreclose its lien upon its lien upon said real property. Further, Movant may contact the Debtor by telephone or written correspondence and, at it option, offer, provide and enter into any potential forbearance agreement, loan modification, refinance agreement or other loan workout/loss mitigation agreement regarding said real property, more specifically described below:

LOT 59 OF TUBAC VALLEY VISTAS, A SUBDIVISION OF SANTA CRUZ COUNTY, ARIZONA, ACCORDING TO THE MAP OR PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CRUZ COUNTY, ARIZONA, IN BOOK 3 OF MAPS AND PLATS AT PAGE 51 THEREOF.

IT IS FURTHER ORDERED that, since the Motion was unopposed by any party, the fourteen (14)-day stay period otherwise imposed by Fed. R. Bankr. P. 4001(3) shall not be applicable to this Order.

END OF ORDER###

APPROVED:

The undersigned counsel of record certifies
compliance with Rule 4001

/s/Michael W. Zientz

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